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10/658,408

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Tatsuhiko Ikchata

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EXAMINER

LAM, HUNG H

ART UNIT

PAPER NUMBER

2622

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/658,408

Applicant(s)

IKEHATA ET AL.

Examiner

Hung H. Lam

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04/09/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Election/Restrictions*

2. Claims 1-5 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/09/07.
3. The Applicant is reminded that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo (US-7,034,881) in view of Yamazaki (JP2002-083,456).

With regarding **claim 6**, Hyodo discloses a digital still camera comprising:

a photographing section which converts an optical image into an electric signal ( Fig. 3; imaging part 2; Col. 5, Ln. 35-67);

a recording section which records a dynamic image obtained by the photographing section as a dynamic image file in a storage medium (picture memory 32 and output memory 34);

a reproduction section which reproduces the dynamic image recorded by the recording section (Figs. 2 and 9; touch panel 12; see the play indicator in LCD 12);

a display section which displays the dynamic image reproduced by the reproduction section (display part 10);

a touch panel which is disposed to cover a display surface of the display section and by which a user's instruction is inputted (Col. 6, Ln. 1-18; Col. 6, Ln. 42-68);

a detection section which detects a tracing operation by a user on the touch panel (Fig. 3; the touch panel 12 is inherently included a touch detection section); and

a control section which judges a direction of the tracing operation detected by the detection section and which determines a reproduction process in accordance with the direction to control dynamic image reproduction by the reproduction section (Fig. 9; see touch button 21 and 22; Col. 8, Ln. 45-64).

However, Hyodo fails to explicitly disclose a control section which judges a speed of the tracing operation detected by the detection section and which determines a reproduction process in accordance with the speed to control dynamic image reproduction by the reproduction section.

In the same field of endeavor, Yamazaki teaches a reproducing control system wherein the control device has a pointing device 11, a generating means 15 generating a control signal based on a movement direction of a substance rubbing the surface of the pointing device 11, and an operation button 16 setting a mode of the generating 14 (abstract). Yamazaki further teaches that the generating means of a shuttle mode generates control signals S1, S2 for shuttle search based on a movement direction and movement quantity of the substance rubbing the surface of the pointing device 11, and a generating means of a jog mode generates control signals S3-S4 for reproduction of variable speed for frame feed reproduction, slow reproduction, or the like based on a movement direction and movement speed of the substance rubbing the surface of the pointing device 11 (abstract; Detail Description: [0015-0039]). In light of the teaching from Yamazaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hyodo to include the reproducing control system of Yamazaki in order to generate control signals S1-S4 for reproduction of variable speed for frame feed reproduction in accordance with the movement direction and movement quantity of the substance rubbing the surface of the pointing device 11. The modifications thus provide a better camera with user friendlier and quicker reproduction control system.

With regarding **claim 7**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section executes one of fast forward and rewind reproduction of the dynamic image in response to a long and fast tracing operation in a horizontal direction on the touch panel (Hyodo: Fig. 9; see touch button 21-22; Col. 8, Ln. 53-64; Yamazaki: [0029-0034]).

With regarding **claim 8**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section executes one of slow reproduction and slow reverse reproduction of the dynamic image in response to a long and slow tracing operation in a horizontal direction on the touch panel (Hyodo: Fig. 9; see touch button 21-22; Col. 8, Ln. 53-64; Yamazaki: abstract; [0029-0034]).

With regarding **claim 9**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section executes one of double-speed reproduction and double-speed reverse reproduction of the dynamic image in response to a short and fast tracing operation in a horizontal direction on the touch panel (Hyodo: Fig. 9; see touch button 21-22; Col. 8, Ln. 53-64; Yamazaki: abstract; [0029-0037]; Yamazaki further teaches that the first and second control signals S1-S2 for forward and leftward are the speed according to the movement magnitude of the body in contact with the front face of a pointing device 11).

With regarding **claim 10**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section executes one of frame feed reproduction and reverse frame feed reproduction of the dynamic image in response to a short and slow tracing operation in a horizontal direction on the touch panel (Hyodo: Fig. 9; see touch button 21-22; Col. 8, Ln. 53-64; Yamazaki: abstract; [0029-0034]).

With regarding **claim 11**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section cancels the process being executed in accordance with the direction and speed to execute standard dynamic image reproduction in response to touch input in one arbitrary point on the touch panel for a short time (Yamazaki: [0033;0035]).

With regarding **claim 12**, Hyodo in view of Yamazaki discloses the digital still camera wherein with detection of a touch operation in which the position does not change following the tracing operation detected by the detection section (Yamazaki: abstract; [0032]), the control section continues to execute the reproduction process in accordance with the direction and speed while detecting the touch operation (Yamazaki: [0029-0038]), and cancels the reproduction process in accordance with the direction and speed, when the touch operation is not detected (Yamazaki: [0033;0035]).

With regarding **claim 13**, Hyodo in view of Yamazaki discloses the digital still camera wherein the control section controls the reproduction section so as to continuously execute the reproduction process in accordance with the direction and speed (Yamazaki: abstract), after the reproduction process in accordance with the direction and speed is started by the reproduction section and while the touch operation in the arbitrary position on the touch panel is detected by the detection section (Yamazaki: [0029-0038]).

With regarding **claim 14**, Hyodo in view of Yamazaki discloses the digital still camera wherein at the time of standard dynamic image reproduction, the control section temporarily stops the standard dynamic image reproduction being executed in response to touch input in one arbitrary point on the touch panel for a short time (Hyodo: Col. 8, Ln. 53-64; Yamazaki: [0029-0031]), and reproduces a still image corresponding to a temporary stop position on the dynamic image file (Hyodo: Col. 8, Ln. 53-64).

It is noted that the USPTO considers the Applicant's "one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

With regarding **claim 16**, Hyodo discloses a user instruction input method of inputting a user's instruction in a digital still camera including:



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a photographing section which converts an optical image into an electric signal (Fig. 3; imaging part 2; Col. 5, Ln. 35-67);

a recording section which records a dynamic image obtained by the photographing section as a dynamic image file in a storage medium (picture memory 32 and output memory 34; );

a reproduction section which reproduces the dynamic image recorded by the recording section (Figs. 2 and 9; touch panel 12; see the play indicator in LCD 12);

a display section which displays the dynamic image reproduced by the reproduction section (display part 10);

a display section which displays the dynamic image reproduced by the reproduction section (Col. 5, Ln. 35-67; Col. 6, Ln. 43-58); and

a touch panel which is disposed to cover a display surface of the display section and by which the user's instruction is inputted, the reproduction section including at least one reproduction function of fast forward/rewind reproduction, slow reproduction/slow reverse reproduction, double-speed reproduction/double-speed reverse reproduction, and frame feed reproduction/reverse frame feed reproduction of the dynamic image, the method comprising (Col. 6, Ln. 43-58):

detecting a tracing operation by a user on the touch panel (Fig. 9; the touch screen LCD 12 is inherently used for detecting user operation on the touch screen 12); and

judging a direction of the detected tracing operation (Fig. 9; see the direction of the touch button 21 and 22) and

determining the reproduction function in accordance with the direction to control the dynamic image reproduction by the reproduction section (Col. 6, Ln. 43-58).

However, Hyodo fails to explicitly disclose the method comprising:

judging a speed of the detected tracing operation and

determining the reproduction function in accordance with the speed to control the dynamic image reproduction by the reproduction section.

In the same field of endeavor, Yamazaki teaches a reproducing control system wherein the control device has a pointing device 11, a generating means 15 generating a control signal based on a movement direction of a substance rubbing the surface of the pointing device 11, and an operation button 16 setting a mode of the generating 14 (abstract). Yamazaki further teaches that the generating means of a shuttle mode generates control signals S1, S2 for shuttle search based on a movement direction and movement quantity of the substance rubbing the surface of the pointing device 11, and a generating means of a jog mode generates control signals S3-S4 for reproduction of variable speed for frame feed reproduction, slow reproduction, or the like based on a movement direction and movement speed of the substance rubbing the surface of the pointing device 11 (abstract; Detail Description: [0015-0039]). In light of the teaching from Yamazaki, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Hyodo to include the reproducing control system of Yamazaki in order to generate control signals S1-S4 for reproduction of variable speed for frame feed reproduction in accordance with the movement direction and movement quantity of the substance rubbing the surface of the pointing device 11.

The modifications thus provide a better camera with user friendlier and quicker reproduction control system.

With regarding **claim 17**, Hyodo in view of Yamazaki discloses he user instruction input method wherein the controlling comprises:

continuing to execute a reproduction process in accordance with the direction and speed, while a touch operation is detected (Yamazaki : [0020-0032]); and

canceling the reproduction process in accordance with the direction and speed, when the touch operation is not detected in a case where the touch operation in which the position does not change is detected following the detected tracing operation (Yamazaki: [0033; 0035]).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Sumiyoshi (JP11-032304) discloses a slider for controlling moving images.

b) Misawa (US-2002/0,176,016) discloses a portable camera having vertical and horizontal touch screen LCD.

c) Rayner (US-4,988,982) discloses a touch pad machine control wherein the contract of the operator's finger produces the desired machine motion from the rate, distance, or duration of contact according to the desired function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung H. Lam whose telephone number is 571-272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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05/29/07



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